

## REMARKS

Claims 1-25, 27, 30-32 and 34-35 have been previously canceled. Claims 26 and 36 are amended and no new claims have been added or canceled by way of this response. Thus, claims 26, 28-29, 33, 36-50 are currently pending and presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

### Response to Rejections Under Section 112:

Claims 26, 28, 29, 33, and 36-50 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants appreciate the Examiner's thoughtful suggestions to resolve the indefiniteness issues for claims 26 and 36. Applicant's have amended claims 26 and 36 in accordance with the Examiners suggestions and respectfully request the Examiner withdraw the section 112, second paragraph rejections.

### Response to Rejections Under Section 103:

Claims 26, 28, 29, 33, 37-39, and 43-48 are rejected under 35 U.S.C. §103(a) as being unpatentable over Vogt et al. (US 6,120,624) in view of Lake (US 1,531,445), and further in view of Higgins (*Engineering Metallurgy, Part I: Applied Physical Metallurgy*, 6th edition). Claims 36 and 50 are rejected under 35 U.S.C. §103(a) as being unpatentable over Vogt et al. (US 6,120,624) in view of Lake (US 1,531,445) and further in view of Higgins (*Engineering Metallurgy, Part I: Applied Physical Metallurgy*, 6th edition) and Hashiguchi (US 2002/0162611). Claims 40 and 41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Vogt et al. (US 6,120,624) in view of Lake (US 1,531,445), and further in view of Higgins (*Engineering Metallurgy, Part I: Applied Physical Metallurgy*, 6th edition) and Heitman et al. (US 5,071,059). Claim 42 is rejected under 35 U.S.C. §103(a) as being unpatentable over Vogt et al. (US 6,120,624) in view of Lake (US 1,531,445), and further in view of Higgins (*Engineering Metallurgy, Part I: Applied Physical Metallurgy*, 6th edition), Heitman et al. (US 5,071,059), and Schweizer et al. (US 4,222,794).

Claim 26:

Applicant's amended claim 26 recites in part:

... casting the component from a melt of the alloy, wherein the casting step includes  
pouring the molten alloy into a casting mold, and  
solidifying the molten alloy;  
**redensifying** the component in a furnace **immediately after the casting step** ...; and  
**overaging** the redensified component, **in an intermediate step**, via an overaging heat treatment immediately after the step of redensifying and in the same furnace **without cooling of the redensified component** between the redensifying and the overaging steps ...

Regarding claim 26, the Examiner has applied Vogt et al. in view of Lake further in view

... of the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a)  They raise new issues that would require further consideration and/or search (see NOTE below);  
(b)  They raise the issue of new matter (see NOTE below);  
(c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 157-160, 162-176 and 178-199.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

AFFIDAVIT OR OTHER EVIDENCE

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13.  Other: \_\_\_\_\_.

*James Zante  
Primary Examiner*

Continuation of 3. NOTE: new matter rejection under 112 first paragraph not overcome by applicant's arguments.

Continuation of 11. does NOT place the application in condition for allowance because: request is not persuasive; appellant's general comments fail to specifically point out standing orders in his specification, or that he had possession at the time the invention was filed "...more than one order..." is not "...standing order..."; applicant's extensive amendments fail to include specific cites to specification; extensive amendments need new search and consideration; claims need to be reviewed for support in light of changes..